

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON, AT SEATTLE

PHYLLIS and GEORGE PETRONELLA,)
husband and wife,)
) No.
Plaintiff,)
) COMPLAINT AND JURY DEMAND
v.)
)
PALISADES COLLECTION, LLC, a)
Delaware limited liability)
company, MACHOL & JOHANNES,)
PLLC, a Washington State pro-)
fessional limited liability)
company, ROGER RAHLFS and JANE)
DOE RAHLFS, husband wife, and)
the marital community composed)
thereof,)
)
Defendants.)

JURISDICTION

1. Jurisdiction of this Court arises under 28 U.S.C. §
1331 and 15 U.S.C. §1692k(d).

2. This action arises out of the defendants' violation
of the Fair Debt Collection Practices Act, 15 U.S.C. §1692 et
seq. (hereinafter the "FDCPA").

VENUE

3. Venue is proper in this Judicial District.

4. The acts and transactions alleged herein occurred in
this Judicial District.

COMPLAINT AND JURY DEMAND - 1/10

JAMES STURDEVANT
ATTORNEY AT LAW
BELLINGHAM TOWERS #920
119 N. COMMERCIAL
BELLINGHAM, WASHINGTON 98225
(360) 671-2990
E-MAIL: sturde@openaccess.org

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2 5. Plaintiffs, Phyllis and George Petronella, ("Petron-
3 ellas") reside in this Judicial District.

4 6. Defendant, Palisades Collection, LLC, is a Delaware
5 limited liability company ("Palisades") and transacts busi-
6 ness in this Judicial District. It apparently is owned by a
7 company entitled Asta Funding, Inc., a Delaware corporation
8 whose shares of stock are traded on the NASDAQ.

9 7. Defendant Machol and Johannes, PLLC, is a Washington
10 State professional limited liability company ("Machol"). It
11 transacts business in this judicial district.

12 8. Defendants Roger E. Rahlfs and Jane Doe Rahlfs are
13 husband and wife, and a marital community under the laws of
14 the state of Washington ("Rahlfs"). They reside in this ju-
15 dicial district. All acts described herein were done by and
16 on behalf of the marital community.
17

18
19 **PARTIES**

20 11. Plaintiffs Petronellas are natural persons.

21 12. Petronellas reside near Blaine, Whatcom County,
22 Washington.

23 13. Plaintiffs are a "consumer" as that term is defined
24 by 15 U.S.C. § 1692a(3).

25 14. Defendant Palisades is a Delaware corporation oper-
26 ating from 210 Sylvan Avenue, Englewood Cliffs, NJ.
27

28 COMPLAINT AND JURY DEMAND - 2/10

JAMES STURDEVANT
ATTORNEY AT LAW
BELLINGHAM TOWERS #920
119 N. COMMERCIAL
BELLINGHAM, WASHINGTON 98225
(360) 671-2990
E-MAIL: sturde@openaccess.org

1
2 15. Palisades' registered agent in the state of Wash-
3 ington is CT Corporation System, 505 Union Avenue SE STE 120,
4 Olympia, WA.

5 16. Palisades is a "debt collector" as that term is
6 defined by 15 U.S.C. § 1692a(6).

7 17. Palisades is licensed as a collection agency by the
8 state of Washington.

9 18. The principal purpose of Palisades is the collec-
10 tion of debts using the mails and telephone.

11 19. Palisades regularly collects or attempts to col-
12 lect, directly or indirectly, debts owed or due or asserted
13 to be owed or due another.

14 20. Palisades regularly collects or attempts to col-
15 lect, directly or indirectly, debts owed or due or asserted
16 to be owed or due another that arose out of transactions in
17 which the money, property or services, which are the subject
18 of the transactions, are primarily for personal, family or
19 household purposes.
20

21 21. Machol is a Washington State professional limited
22 liability company and is a law firm.

23 22. Machol's registered agent in the state of Washing-
24 ton is Roger Rahlfs, 150 Nickerson Street, Ste 204, Seattle,
25 WA 98109.

26 23. Machol is a "debt collector" as that term is
27

28 COMPLAINT AND JURY DEMAND - 3/10

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2 defined by 15 U.S.C. § 1692a(6).

3 24. Machol is licensed as a collection agency by the
4 state of Washington.

5 25. The principal purpose of Machol is the collection
6 of debts using the mails and telephone.

7 26. Machol regularly collects or attempts to collect,
8 directly or indirectly, debts owed or due or asserted to be
9 owed or due another.

10 27. Machol regularly collects or attempts to collect,
11 directly or indirectly, debts owed or due or asserted to be
12 owed or due another that arose out of transactions in which
13 the money, property or services, which are the subject of the
14 transactions, are primarily for personal, family or household
15 purposes.
16

17 28. Jacques Machol, III is apparently a member of the
18 Colorado State Bar Association He is not a member of the
19 Washington State Bar Association. His address is 9236 E.
20 Vassar Avenue, Denver, CO.

21 29. Randall Johannes is apparently a member of the Col-
22 orado State Bar Association. He is not a member of the Wash-
23 ington State Bar Association. His address is 23818 Shoshone
24 Trail, Lafayette, CO.

25 30. Machol hired Rahlfs, a Washington State attorney,
26 to represent its clients in lawsuits in Washington State
27

28 COMPLAINT AND JURY DEMAND - 4/10

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2 courts. Rahlfs' address is 150 Nickerson Street, Ste. 204,
3 Seattle, WA.

4 31. The acts of Rahlfs as the attorney for Palisades
5 were done by and on behalf of the marital community.

6 **FACTUAL ALLEGATIONS**

7 32. The Account constitutes a "debt" as that term is
8 defined by 15 U.S.C. § 1692a(5).

9 33. The account was a credit card bill.

10 34. Palisades acted at all times mentioned herein
11 through its employee(s) and attorneys.

12 35. Attached as Exhibit "A" is a true and correct copy
13 of a purported Chase credit card bill supplied by Palisades
14 to the Petronellas with a payment due date of October 5,
15 2009. The "New Balance" was \$8,986.56.

16 36. Attached as Exhibit "B" is a true and correct copy
17 of a letter dated October 5, 2010 from Palisades to the Pet-
18 ronellas. It stated that the amount due as of October 5,
19 2010 was \$9,296.13.

20 37. Attached as Exhibit "C" is a letter dated December
21 2, 2010 letter from Palisades to the Petronellas in care of
22 their attorney, James Sturdevant. It states that as of
23 December 2, 2010, the balance due on the account was
24 \$9,443.85.

25 38. Attached as Exhibit "D" is a January 31, 2011 let-
26
27

28 COMPLAINT AND JURY DEMAND - 5/10

JAMES STURDEVANT
ATTORNEY AT LAW
BELLINGHAM TOWERS #920
119 N. COMMERCIAL
BELLINGHAM, WASHINGTON 98225
(360) 671-2990
E-MAIL: sturde@openaccess.org

1
2 ter from Palisades to the Petronellas in care of their attor-
3 ney. It states that as of January 31, 2011, the Current Bal-
4 ance due was \$9,597.26.

5 39. Attached as Exhibit "E" is a July 1, 2011 letter
6 from Palisades to the Petronellas in care of their attorney.
7 It states that as of July 1, 2011 the Current Balance due
8 \$9,862.18.

9 40. Attached as Exhibit "F" is a letter dated September
10 15, 2011 from Machol to Petronellas at their attorney's ad-
11 dress. It states that the Current Balance Claimed Due is
12 \$12,534.48.

13 41. Attached as Exhibit "G" is a Complaint dated Octo-
14 ber 18, 2011 signed by Rahlfs which was served on Petronel-
15 las. It states that as of October 30, 2009, the balance due
16 on the account was \$10,233.26. It then asked for judgment in
17 that amount plus interest and costs.

18 42. Attached as Exhibit "H" is a Motion for Order of
19 Default and Judgment and Declaration of Default, Amount
20 Due...dated July 30, 2012, signed by Rahlfs. It asked for
21 judgment against defendants in the amount of \$13,922.47 con-
22 sisting of \$10,233.26 as of October 30, 2009, plus interest
23 from October 30, 2009 of \$3,374.21, plus costs of \$315.

24 43. Attached as Exhibit "I" is an Affidavit signed by
25 Chela Wise, apparently on (?) 28, 2012. The amount due is
26

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28 COMPLAINT AND JURY DEMAND - 6/10

JAMES STURDEVANT
ATTORNEY AT LAW
BELLINGHAM TOWERS #920
119 N. COMMERCIAL
BELLINGHAM, WASHINGTON 98225
(360) 671-2990
E-MAIL: sturde@openaccess.org

1
2 \$4,498.98.

3 44. All of the exhibits are incorporated herein by this
4 reference as if fully set out herein.

5 45. There is enormous inconsistency in the amount that
6 the defendants contend Petronellas owe. As a result, the
7 Petronellas are unable to figure out how much the defendants
8 contend they owe.

9 46. The Defendants' and their representative(s)', em-
10 ployee(s)' and/or agent(s)' statement(s) and action(s) con-
11 stitute unfair or unconscionable means to collect or attempt
12 to collect a debt and violate FDCPA 1692e preface, (2)(A) &
13 (B) (e)(5) & (10), and 1692f preface and 1692f(1) and 1692g.
14 The FDCPA is a "strict liability statute," and Plaintiff need
15 only "show one violation of its provisions to be entitled to
16 judgment in their favor." *Ellis v. Cohen & Slamowitz, LLP*,
17 701 F. Supp. 2d 215, 219 (N.D.N.Y. 2010).

18 47. As a consequence of the defendants' collection
19 activities and communication(s), the plaintiffs are entitled
20 to damages pursuant to FDCPA 1692k(a).
21

22 **RESPONDEAT SUPERIOR**

23 48. The representative(s) and/or collector(s) and/or
24 attorneys for the defendants were employee(s) of the defend-
25 ants at all times mentioned herein.

26 49. The representative(s) and/or collector(s) and/or
27

28 COMPLAINT AND JURY DEMAND - 7/10

JAMES STURDEVANT
ATTORNEY AT LAW
BELLINGHAM TOWERS #920
119 N. COMMERCIAL
BELLINGHAM, WASHINGTON 98225
(360) 671-2990
E-MAIL: sturde@openaccess.org

1
2 attorneys for the defendants were agent(s) of the defendants
3 at all times mentioned herein.

4 50. The representative(s) and/or collector(s) and/or
5 attorneys for the defendants were acting within the course of
6 their employment at all times mentioned herein under the dir-
7 ection, control and supervision of Palisades and Machol.

8 51. The representative(s) and/or collector(s) and/or
9 attorneys for the defendants were acting within the scope of
10 their employment at all times mentioned herein as determined
11 by Palisades and Machol.

12 52. The representative(s) and/or collector(s) and/or
13 attorneys for the defendants were under the direct supervi-
14 sion of the defendants at all times mentioned herein and un-
15 der the direction, supervision and control of Palisades and
16 Machol.

17 53. The representative(s) and/or collector(s) and/or
18 attorneys for the defendants were under the direct control of
19 the defendants at all times mentioned herein under the direc-
20 tion, supervision and control of Palisades and Machol.

21 54. The actions of the representative(s) and/or col-
22 lector(s) and/or attorneys for the defendants are imputed to
23 their employer, the defendants.

24 55. As a direct and proximate result of the aforesaid
25 actions, Plaintiffs seek damages pursuant to FDCPA 1692k(a).
26
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28 COMPLAINT AND JURY DEMAND - 8/10

JAMES STURDEVANT
ATTORNEY AT LAW
BELLINGHAM TOWERS #920
119 N. COMMERCIAL
BELLINGHAM, WASHINGTON 98225
(360) 671-2990
E-MAIL: sturde@openaccess.org

COUNT I, FDCPA VIOLATION

56. The previous paragraphs are incorporated in this Count as if set forth in full.

57. The act(s) and omission(s) of the defendants in stating that different amounts are due at different times with no apparent rationale for the differences constitute a violation of 15 U.S.C. §§ 1692e preface, e(2)(A) & (B), e(5) & (10), 1692f preface, and 1692 1692(f)(1) and 1692g.

58. Pursuant to FDCPA § 1692k, Plaintiffs are entitled to damages, reasonable attorney's fees and costs.

JURY TRIAL DEMAND

Plaintiffs are entitled to and hereby demand a trial by jury.

PRAYER

WHEREFORE, Plaintiffs pray that the Court grants the following:

1. A finding that the defendants violated the FDCPA and/or an admission from the defendants that they violated the FDCPA.

2. Damages pursuant to 15 U.S.C. § 1692k(a).

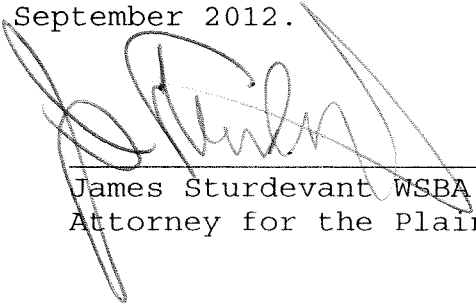
3. Reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3).

COMPLAINT AND JURY DEMAND - 9/10

JAMES STURDEVANT
ATTORNEY AT LAW
BELLINGHAM TOWERS #920
119 N. COMMERCIAL
BELLINGHAM, WASHINGTON 98225
(360) 671-2990
E-MAIL: sturde@openaccess.org

1
2 4. Such other and further relief as the Court deems
3 just and proper.

4 DATED this 17th day of September 2012.

5
6 
7 James Sturdevant WSBA #8016
8 Attorney for the Plaintiffs
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28 COMPLAINT AND JURY DEMAND - 10/10

JAMES STURDEVANT
ATTORNEY AT LAW
BELLINGHAM TOWERS #920
119 N. COMMERCIAL
BELLINGHAM, WASHINGTON 98225
(360) 671-2990
E-MAIL: sturde@openaccess.org

Payment Due Date New Balance Past Due Amount Minimum Payment

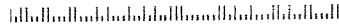
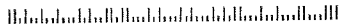
10/08/09 \$8,986.56 \$1,741.00 \$2,056.00

Account number: 5416 5709 9766 1037

\$

Make your check payable to:
Chase Card Services.
Please write amount enclosed.
New address or e-mail? Print on back.

5416570997661037002056000089865600000000000009

40889 BEK Z 25609 D
PHYLLIS PETRONELLA
8041 MAKAH RD
BLAINE WA 98230-9528CARDMEMBER SERVICE
PO BOX 94014
PALATINE IL 60064-4014

⑈5000 160 281⑈ 279099766 1037 2⑈

Statement Date:
08/14/09 - 09/13/09Manage your account online:
www.chase.com/creditcardsMinimum Payment: \$2,056.00
Payment Due Date: 10/08/09Additional contact information
conveniently located on reverse side

ACCOUNT SUMMARY		Account Number: 5416 5709 9766 1037	
Previous Balance	\$8,760.66	Total Credit Line	\$7,500
Finance Charges	+\$225.90	Available Credit	\$0
New Balance	\$8,986.56	Cash Access Line	\$1,500
		Available for Cash	\$0

You haven't made the required payments and your credit card account is 150 days past due. You can still turn things around. Call us today at 1-888-792-7547 (collect 1-302-594-8200) so that we can find a solution for your situation.

Important Message: Over Credit Limit

Your statement balance exceeds your credit limit. You should make a payment that includes the overlimit amount and brings the balance under your limit.

FINANCE CHARGES

Category	Daily Periodic Rate	Corresp. APR	Average Daily Balance	Finance Charge Due To Periodic Rate	Transaction Fee / Service Charge	Accumulated Fin Charge	FINANCE CHARGES
Purchases	V .08216%	29.99%	\$6,725.44	\$171.29	\$0.00	\$0.00	\$171.29
Cash advances	V .08216%	29.99%	\$2,144.04	\$54.61	\$0.00	\$0.00	\$54.61
Total finance charges							\$225.90

Effective Annual Percentage Rate (APR): 29.99%

Please see Information About Your Account section for balance computation method, grace period, and other important information.

The Corresponding APR is the rate of interest you pay when you carry a balance on any transaction category.

The Effective APR represents your total finance charges - including transaction fees such as cash advance and balance transfer fees - expressed as a percentage.

This Statement is a Facsimile - Not an original

0000001 P1903338 D 12 000 11 2 13 09/09/13 Page 1 of 1 09088 MA MA 40889 26810000100004088801

X

EXHIBIT No. A

PO BOX 1244
ENGLEWOOD CLIFFS NJ 07632

CHANGE SERVICE REQUESTED

#BWNKBHZ S-CDASTA10 L-P03 A-19838618
#198386186#P192PB00407614 I07615
PETRONELLA,PHYLLIS
8041 MAKAH RD
BLAINE WA 98230-9526



PALISADES COLLECTION, L.L.C.
PO BOX 1244
ENGLEWOOD CLIFFS NJ 07632



October 5, 2010

Previous Creditor :
CHASE

Account Number :
5416570997661037

Debtor Id :
19838618

✂ Detach Upper Portion And Return With Payment ✂

Debtor Id: 19838618
Original Creditor: WASHINGTON MUTUAL
Previous Creditor: CHASE
Current Creditor: Palisades Collection, L.L.C.
Account Number: 5416570997661037
Total amount due as of October 5, 2010: \$9,296.13

Dear PETRONELLA,PHYLLIS,

Please contact our office upon receipt of this letter to discuss your account.

Thank you for your anticipated cooperation.

Very truly yours,

800-414-8319

This communication is from a debt collector and is an attempt to collect a debt. Any information obtained will be used for that purpose.

Bankruptcy Proceedings: We have not been notified that your debt is discharged or is part of a current bankruptcy proceeding. If it is, this letter is for informational purposes only. Please forward a copy of this letter to your counsel and/or trustee, as appropriate, and ask him or her to call 800-414-8319 to provide us with the case number and court where the proceeding was filed so that we can update our records.

EXHIBIT No. B

CHANGE SERVICE REQUESTED

#BWNKBHZ S-CDASTA10 L-DR2 A-19838618
#198386186#P1BF1900400193 I00197
PETRONELLA, PHYLLIS
Care of: JAMES STURDEVANT
119 N COMMERCIAL STREET #920
BELLINGHAM WA 98225-4458



PALISADES COLLECTION, L.L.C.
PO BOX 1244
ENGLEWOOD CLIFFS NJ 07632



December 2, 2010

Previous Creditor :
CHASE

Account Number :
5416570997661037

Debtor Id :
19838618

✂ Detach Upper Portion For Mailing ✂

Dear PETRONELLA, PHYLLIS:

We have received your request for verification of this debt. While we validate this debt, we have placed this account in a dispute status and have stopped all collection activity on your account. Meanwhile, the account information that we have file for this account is as follows:

Original Creditor:	WASHINGTON MUTUAL
Previous Creditor:	CHASE
Current Creditor:	Palisades Collection, L.L.C.
Current Balance:	\$9,443.85
Account Number:	5416570997661037
SSN:	XXX-XX-1086
Debtor #:	19838618
Charge-Off Date:	10/30/2009
Open Date:	10/30/2006

Please contact us with any questions or corrections.

Very truly yours,

Palisades Collection, L.L.C.

This communication is from a debt collector and is an attempt to collect a debt. Any information obtained will be used for that purpose.

Bankruptcy Proceedings: We have not been notified that your debt is discharged or is part of a current bankruptcy proceeding. If it is, this letter is for informational purposes only. Please forward a copy of this letter to your counsel and/or trustee, as appropriate, and ask him or her to call 866-230-8094 to provide us with the case number and court where the proceeding was filed so that we can update our records.

EXHIBIT No. C

Rec 1/31/11

11 - 11

January 31, 2011
#BWNKBH2
#1983861800319#
PETRONELLA, PHYLLIS
Care of: JAMES STURDEVANT
119 NORTH COMMERCIAL STREET #920
BELLINGHAM , WA 98225

Debtor Id Number: 19838618
Original Creditor: WASHINGTON MUTUAL
Previous Creditor: CHASE
Current Creditor: Palisades Collection, L.L.C.
Account Number: 5416570997661037
Current Balance: \$9,597.26

For your convenience, you can pay online by going to www.paypalisades.com
PIN: 3365172125

Dear PETRONELLA, PHYLLIS:

We are in receipt of your request for validation of this debt.
Enclosed you will find the requested documentation.

Please contact the undersigned with any questions, concerns or to make
payment arrangements.

Very truly yours,

Andrew
Dispute Department

This correspondence is from a debt collector attempting to collect
a debt. Any information obtained will be used for that purpose.

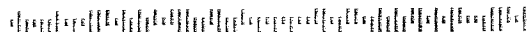
If you have recently filed a bankruptcy proceeding, please be aware that
this letter is for informational purposes only. Please forward a copy of
this letter to your counsel and/or the trustee, as appropriate, and refer
them to a Palisades Collection, L.L.C. customer service representative at
1-866-230-8094

EXHIBIT No. D

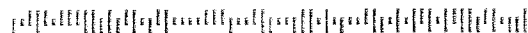
PO BOX 1244
ENGLEWOOD CLIFFS NJ 07632

Office hours : M-F 9am-5:30pm
866-230-8094 201-308-9370 (Fax)
For your convenience, you can pay online by going to
www.paypalisades.com PIN: 3365172125

CHANGE SERVICE REQUESTED



#BWNKBHZ S-CDASTA10 L-PST A-19838618
#198386186#P1KVIF00200890 I00891
PETRONELLA, PHYLLIS
Care of: JAMES STURDEVANT
119 N COMMERCIAL STREET #920
BELLINGHAM WA 98225-4458



PALISADES COLLECTION, L.L.C.
PO BOX 1244
ENGLEWOOD CLIFFS NJ 07632

July 1, 2011

Previous Creditor :
CHASE

Account Number :
5416570997661037

Debtor Id :
19838618

✂ Detach Upper Portion And Return With Payment ✂

Debtor Id: 19838618
Original Creditor: WASHINGTON MUTUAL
Previous Creditor: CHASE
Current Creditor: Palisades Collection, L.L.C.
Account Number: 5416570997661037
Current Balance: \$9,862.18

NOTICE: PLEASE RETURN UPPER PORTION FOR PROPER CREDIT

STATEMENT OF ACCOUNT

STATEMENT DATE: July 1, 2011

Last Payment Amount: \$0
Last Payment Date:

Please send payment in full or call 866-230-8094 to make payment arrangements. Otherwise, collection efforts may continue.

Very truly yours,
866-230-8094

P.S. If you are remitting funds via Federal Express, our address is : 210 Sylvan Ave., Englewood Cliffs, NJ 07632

This communication is from a debt collector and is an attempt to collect a debt. Any information obtained will be used for that purpose.

Bankruptcy Proceedings: We have not been notified that your debt is discharged or is part of a current bankruptcy proceeding. If it is, this letter is for informational purposes only. Please forward a copy of this letter to your counsel and/or trustee, as appropriate, and ask him or her to call 866-230-8094 to provide us with the case number and court where the proceeding was filed so that we can update our records.

EXHIBIT No. E

717 17th St, Ste 2300
Denver CO 80202-3317

ADDRESS SERVICE REQUESTED

Date	Our File Number
9/15/11	30004337

9/15/11 30004337-DN1 624210160

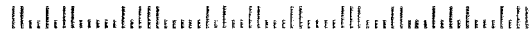


Phyllis Petronella
119 N Commercial St Ste 920
Bellingham WA 98225-4458

MACHOL & JOHANNES, LLC

303.830.0075 | 866.729.3328 Ext. 613 | Fax 303.830.0047
Jacques Machol, III ♦ Randall Johannes ♦ Jacques Machol, Jr. ♦
James Kaplan ♦ Arianne Gronowski ♦ Simona Clark ♦ Roger Rahlf ♦
♦ Licensed in CO * Licensed in WA

Machol & Johannes, LLC
717 17th St, Ste 2300
Denver CO 80202-3317



SEP 19 2011

Claim of: Palisades Collection, LLC

Original Creditor Acct. No.: XXXXXXXXXXXXX1037
Current Balance Claimed Due: \$12,534.48

Dear Phyllis Petronella:

Please be advised that this law firm has been retained by Palisades Collection, LLC for resolution of the above listed account. According to our client, you have an outstanding account, in the amount shown above, owing to Palisades Collection, LLC. If applicable, your account balance may be periodically increased due to the addition of accrued interest or other charges, as provided in your agreement with your creditor or as otherwise provided by law.

Payment relating to this account may be made by a cashier's check, money order or personal check made payable to Palisades Collection, LLC, referencing account number XXXXXXXXXXXXX1037. If you prefer to make payment by credit card, you may do so by calling us toll free at (866) 729-3328.

You are hereby advised: Unless you, the consumer, notify this office within thirty (30) days after your receipt of this notice that you dispute the validity of the debt or any portion thereof, the debt will be assumed to be valid by this office. If you, the consumer, notify this office in writing within thirty (30) days after receipt of this notice, that the debt or any portion thereof is disputed, this office will obtain verification of the debt or a copy of a judgment against you and a copy of such verification or judgment will be mailed to you by this office. Upon your written request within thirty (30) days after your receipt of this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

A consumer has the right to request in writing that a debt collector or collection agency cease further communication with the consumer. A written request to cease communication will not prohibit the debt collector or collection agency from taking action authorized by law to collect the debt.

If you, the consumer, notify us by mail of any of the matters specified above, such notification shall be complete upon our receipt of your mailed notification.

FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE [HTTP://WWW.COLORADOATTORNEYGENERAL.GOV/CA](http://www.coloradoattorneygeneral.gov/ca)

Although we are a law firm, lawyers may also be debt collectors, and we are operating only as a debt collector regarding this account at this time. We have made no determination that a lawsuit may be initiated to collect this account. At this time, no attorney with this firm has personally reviewed the particular circumstances of your account. Attorneys in this firm are licensed only in Colorado and Washington and we do not sue in any other states. Moreover, because we have made no determination that a lawsuit may be initiated to collect this account, this letter should not be construed as a threat of suit by our client, as no such decision has been made by our client.

This firm is a debt collector. We are attempting to collect a debt and any information obtained will be used for that purpose.

MACHOL & JOHANNES, LLC
866/729-3328 Ext. 613

Colorado Office: 717 17th Street, Ste 2300, Denver, CO 80202
Washington Office: 150 Nickerson St, Ste 204, Seattle, WA 98109

RCLMACHOL-DN1

EXHIBIT No. F

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON IN AND FOR THE
COUNTY OF WHATCOM

PALISADES COLLECTION, LLC,

Plaintiff,

vs.

PHYLLIS PETRONELLA and JOHN DOE
PETRONELLA, and the marital community comprised
thereof,

Defendant.

NO.

COMPLAINT FOR MONEY
DUE ON CREDIT ACCOUNT

The Plaintiff, as purchaser or assignee of WASHINGTON MUTUAL, or any other assignee that may have or have had any interest in the Defendant's credit account or any interest in any obligation relating to such credit account, alleges:

1. The Plaintiff is duly qualified to bring this action.
2. That the Defendants named above reside within the jurisdiction of this Court.
3. That Defendants are indebted to the Plaintiff for, and are in default of his/her promise to repay for, extensions of credit obtained upon opening and using the aforesaid credit account for the purchase of merchandise or services from WASHINGTON MUTUAL.
4. By using said account, the Defendants became bound to the duties and obligations as set forth in the printed terms and conditions of the account.
5. That although demand for payment has been made, payment has not been forthcoming, and there is now due and owing the sum of \$10,233.26 as of October 30, 2009 plus additional interest from that date pursuant to the terms and conditions of the credit account.

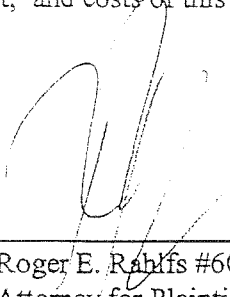
COMPLAINT - 1

Machol & Johannes, LLC
150 Nickerson St. Ste 204
Seattle, Washington 98109

EXHIBIT No. 6

WHEREFORE, the Plaintiff prays for Judgment against the Defendants, PHYLLIS PETRONELLA and JOHN DOE PETRONELLA, and the marital community comprised thereof, in the sum of \$10,233.26 plus interest, and costs of this action, plus any other relief deemed equitable and just by the court.

Dated: October 18, 2011



Roger E. Rahlfs #6035
Attorney for Plaintiff
Our File No.: 30004337

This firm is a debt collector. We are attempting to collect a debt
and any information obtained will be used for that purpose.

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON IN AND FOR THE
COUNTY OF WHATCOM

PALISADES COLLECTION, LLC,
Plaintiff,

vs.

PHYLLIS PETRONELLA and JOHN DOE PETRONELLA,
and the marital community comprised thereof,
Defendant.

NO. 12 2 01926 2

MOTION FOR ORDER OF
DEFAULT AND JUDGMENT
and
DECLARATION OF DEFAULT,
AMOUNT DUE, AND MILITARY
MEMBERSHIP PER SHB 2173
AND RCWA

RELIEF REQUESTED

The Plaintiff moves the Court for an Order declaring that the Defendant, PHYLLIS PETRONELLA and JOHN DOE PETRONELLA, WTNI GEORGE PETRONELLA, and the marital community comprised thereof, be in default herein and an order granting judgment against the Defendant in the amount of \$13,922.47, which amount is made up of \$10,233.26 and interest of \$.00 as of October 30, 2009, plus additional interest from October 30, 2009 in the amount of \$3,374.21 plus court costs of \$315.00 and attorney fees are not requested.

STATEMENT OF FACTS

The basis for venue, pursuant to CR 55(a) 4; is the fact that the Defendant resides within the jurisdiction of this Court. That service of the Summons and Complaint was accomplished. The Affidavit of Service is on file herein, or attached, or both. Since the date of service Defendant has appeared, Defendant has failed to serve or file any Answer or other pleading in this action, and more than 20 days have elapsed since the date of service, and the default against said Defendant should now be entered pursuant to Rule 4 of the Superior Court Rules. Verification of the amount owed is set forth in the below Declaration.

EXHIBIT No. H



STATEMENT OF ISSUES

Is the Plaintiff entitled to entry of an Order of Default?

EVIDENCE RELIED UPON

The records and files herein, including the Affidavit of Service.

AUTHORITY

Civil Rule 55.

PROPOSED ORDER

A proposed Order accompanies the working copy of this Motion.

Dated: July 30, 2012


[] Roger E. Rahlfs WSBA# 6035
[] Richard D. Drowley WSBA# 40161
Attorney for Plaintiff
Our File No.: 30004337

DECLARATION

The undersigned, with personal knowledge, and under the penalty of perjury under the laws of the State of Washington declares:

That I am the attorney for the Plaintiff and would incorporate the above statements set forth in the Motion herein as true and correct.

Attached hereto or filed herein is an Affidavit or Declaration which establishes the total balance owing the Plaintiff by the Defendant of \$10,233.26 as of October 30, 2009. That amount is comprised of \$10,233.26 plus interest of \$.00. Additional interest has accrued at 12% from October 30, 2009 and the total interest due for the purposes of this motion is \$3,374.21.

A copy of the Affidavit of Service is attached in the amount of \$75.00 for the process fee requested plus a \$240.00 filing fee .

No attorney's fees are requested.

The true name of the John/Jane Doe named above and served in the affidavit of service is GEORGE PETRONELLA. This is confirmed by the process servers inquiry and investigation.

DECLARATION RE: MILITARY MEMBERSHIP

To the best of my knowledge, after investigation, the Defendant is neither an active

AFFIDAVIT

State of Virginia
City of Norfolk ss.

I, the undersigned, Chela Wise, custodian of records, for Portfolio Recovery Associates, LLC hereby depose, affirm and state as follows:

1. I am competent to testify to the matters contained herein.
2. I am an authorized employee of Portfolio Recovery Associates, LLC, ("Account Assignee") which is doing business at Riverside Commerce Center, 140 Corporate Boulevard, Norfolk, Virginia, and I am authorized to make the statements, representations and averments herein, and do so based upon a review of the business records of the Account Assignee and those records transferred to Account Assignee from CAPITAL ONE BANK, N.A. ("Account Seller"), which have become a part of and have integrated into Account Assignee's business records, in the ordinary course of business.
3. According to the business records, which are maintained in the ordinary course of business, the account, and all proceeds of the account are now owned by the Account Assignee, all of the Account Seller's interest in such account having been sold, assigned and transferred by the Account Seller on 4/19/2010. Further, the Account Assignee has been assigned all of the Account Seller's power and authority to do and perform all acts necessary for the settlement, satisfaction, compromise, collection or adjustment of said account, and the Account Seller has retained no further interest in said account or the proceeds thereof, for any purpose whatsoever.
4. According to the records transferred to the Account Assignee from Account Seller, and maintained in the ordinary course of business by the Account Assignee, there was due and payable from MARY ANDERSON ("Debtor and Co-Debtor") to the Account Seller the sum of \$4,498.98 with the respect to account number ending in 4754 as of the date of 3/22/2010 with there being no known un-credited payments, counterclaims or offsets against the said debt as of the date of the sale.
5. According to the account records of said Account Assignee, after all known payments, counterclaims, and/or setoffs occurring subsequent to the date of sale, Account Assignee claims the sum of \$4,498.98 as due and owing as of the date of this affidavit.
6. Plaintiff believes that the defendant is not a minor or an incompetent individual, and declares that the Defendant is not on active military service of the United States.

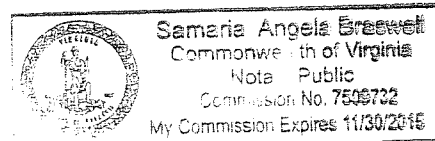
Portfolio Recovery Associates, LLC

[Signature]

By: Chela Wise

Subscribed and sworn to before me on Jan 28, 2012

[Signature]
Notary Public



This communication is from a debt collector and is an attempt to collect a debt.
Any information obtained will be used for that purpose.

EXHIBIT No. I